

Superior Court Local Rules September 2014

New, Amended & Recinded Rules

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LCR 7. CIVIL MOTIONS

(b) *Motions and Other Documents.*

(1) Scope of Rules. Except when specifically provided in another rule, this rule governs all motions in civil cases. See, for example, [LCR 12](#), LCR 26, LCR 40, LCR 56, and the LFLR's.

(2) Hearing Times and Places. Hearing times and places will also be available from the Clerk's Office/Department of Judicial Administration (E609 King County Courthouse, Seattle, WA 98104 or 401 Fourth Avenue North, Room 2C, Maleng Regional Justice Center, Kent WA 98032; or for Juvenile Court at 1211 East Alder, Room 307, Seattle, WA 98122) by telephone at (206) 296-9300 or by accessing <http://www.kingcounty.gov/courts/clerk>. Schedules for all regular calendars (family law motions, ex parte, chief civil, etc.) will be available at the information desk in the King County Courthouse and the Court Administration Office in Room 2D of the Regional Justice Center.

(3) Argument. All nondispositive motions and motions for orders of default and default judgment shall be ruled on without oral argument, except for the following:

(A) Motions for revision of Commissioners' rulings, other than rulings regarding involuntary commitment and Title 13 proceedings;

(B) Motions for temporary restraining orders and preliminary injunctions;

(C) Family Law motions under LFLR 5;

(D) Motions to be presented in person to the Ex Parte and Probate Department pursuant to the Ex Parte and Probate Department Presentation of Motions and Hearings Manual ("Motions and Hearings Manual") issued by the Clerk;

(E) Motions for which the Court allows oral argument.

(4) Dates of Filing, Hearing and Consideration.

(A) Filing and Scheduling of Motion. The moving party shall serve and file all motion documents no later than six court days before the date the party wishes the motion to be considered. A motion must be scheduled by a party for hearing on a judicial day. For cases assigned to a judge, if the motion is set for oral argument on a non-judicial day, the moving party must reschedule it with the judge's staff; for motions without oral argument, the assigned judge will consider the motion on the next judicial day.

(B) Scheduling Oral Argument on Dispositive Motions. The time and date for hearing shall be scheduled in advance by contacting the staff of the hearing judge.

(C) Oral Argument Requested on All Other Motions. Any party may request oral argument by placing "ORAL ARGUMENT REQUESTED" prominently on the first page of the motion or opposition.

(D) Opposing Documents. Any party opposing a motion shall file and serve

the original responsive papers in opposition to a motion, serve copies on parties₁ and deliver working copies to the hearing judge no later than 12:00 noon two court days before the date the motion is to be considered. Working copies shall be submitted pursuant to the requirements in this rule.

(E) Reply. Any documents in strict reply shall be similarly filed and served no later than 12:00 noon on the court day before the hearing.

(F) Working Copies. Working copies of the motion and all documents in support or opposition shall be delivered to the hearing judge, commissioner, or appropriate judicial department no later than on the day they are to be served on all parties. The copies provided to the judge and all parties should be in the same form, including but not limited to markings, highlights, and color copies. Working copies shall be submitted as follows:

(i) Electronic Submission of Working Copies. Judges' working copies of an e-filed motion and all documents in support or opposition may be electronically submitted using the Clerk's eFiling application. The Clerk may assess a fee for the electronic submission of working copies.

(ii) E-Filed Documents For Which Working Copies Shall Not Be Electronically Submitted. Judges' working copies shall not be electronically submitted for any document of 500 pages or more in length or for any documents filed in paper form. These working copies must be submitted in paper form pursuant to the requirements in this rule.

(iii) Delivery of Working Copies in Paper Form. The upper right corner of all judges' working copies submitted in paper form shall be marked "working copies" and note the date of consideration or hearing, the name of the hearing judge or commissioner or the name of the calendar on which the motion is to be heard, by whom the documents are being presented ("moving party," "opposing party," or other descriptive or identifying term), and shall be delivered to the judges' mailroom or appropriate department in the courthouse in which the judge or commissioner is located.

(G) Terms. Any material offered at a time later than required by this rule, and any reply material which is not in strict reply, will not be considered by the court over objection of counsel except upon the imposition of appropriate terms, unless the court orders otherwise.

(H) Confirmation and Cancellation. Confirmation is not necessary, but if the motion is stricken, the parties shall immediately notify the opposing parties and notify the staff of the hearing judge.

(5) Form of Motion and Responsive Pleadings.

(A) Note for Motion. A Note for Motion shall be filed with the motion. The Note shall identify the moving party, the title of the motion, the name of the hearing

judge, the trial date, the date for hearing, and the time of the hearing if it is a motion for which oral argument will be held. A Note for Motion form is available from the Clerk's Office.

(B) Form of Motion and of Responsive Pleadings. The motion shall be combined with the memorandum of authorities into a single document, and shall conform to the following format:

(i) Relief Requested. The specific relief the court is requested to grant or deny.

(ii) Statement of Facts. A succinct statement of the facts contended to be material.

(iii) Statement of Issues. A concise statement of the issue or issues of law upon which the Court is requested to rule.

(iv) Evidence Relied Upon. The evidence on which the motion or opposition is based must be specified with particularity. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim or a photocopy of relevant pages must be attached to an affidavit identifying the documents. Parties should highlight those parts upon which they place substantial reliance. Copies of cases shall not be attached to original pleadings. Responsive pleadings shall conform to this format.

(v) Authority. Any legal authority relied upon must be cited. Copies of all cited non-Washington authorities upon which parties place substantial reliance shall be provided to the hearing Judge and to counsel or parties, but shall not be filed with the Clerk. See LCR 5(k).

(vi) Page Limits. The initial motion and opposing memorandum shall not exceed 12 pages without authorization of the court; reply memoranda shall not exceed five pages without the authority of the court.

(C) Form of Proposed Orders; Mailing Envelopes; E-mail Address. The moving party and any party opposing the motion shall ~~attach~~ include with their submissions a proposed order ~~to the working copies of their documents.~~ The original of each proposed order shall be submitted to the hearing judge along with any working copies, but shall not be filed with the Clerk. ~~For If the motions is to be considered without oral argument, for which working copies are submitted in paper form,~~ the moving party shall at the time of filing the motion also provide to the court ~~with either~~ pre-addressed stamped envelopes addressed to each party/counsel, or e-mail addresses, for the court's use in providing courtesy copies of entered orders. ~~Envelopes are not necessary when submitting~~ Where working copies are provided electronically via the Clerk's ~~eFiling Working Copies~~ Application, the parties shall request courtesy copies of entered order(s) through the Clerk's application. ~~However, parties are required to include addresses for each party/counsel on the distribution list tab within the eWorking~~

~~copies component.~~

~~**(D) Presentation by Mail.** With respect only to those matters that must be presented to the assigned judge, the Chief Civil Judge, the chief judge of the Maleng Regional Justice Center or the Chief Judge of the Unified Family Court Department, parties may present agreed orders and ex parte orders based upon the record in the file by mail, addressed to the court. When signed, the judge/commissioner will file such order with the Clerk. For agreed orders presented in paper form, an addressed stamped envelope shall be provided for return of any conformed materials.~~

(6) Motions to Reconsider. See LCR 59.

(7) Reopening Motions. No party shall remake the same motion to a different judge without showing by affidavit what motion was previously made, when and to which judge, what the order or decision was, and any new facts or other circumstances that would justify seeking a different ruling from another judge.

(8) Motions for Revision of a Commissioner's Order. For all cases except juvenile and involuntary treatment proceedings:

(A) A motion for revision of a commissioner's order shall be served and filed within 10 days of entry of the written order, as provided in RCW 2.24.050, along with a written notice of hearing that gives the other parties at least six days notice of the time, date and place of the hearing on the motion for revision. The motion shall identify the error claimed.

(B) A hearing on a motion for revision of a commissioner's order shall be scheduled within 21 days of entry of the commissioner's order, unless the assigned Judge or, for unassigned cases, the Chief Civil Judge, orders otherwise.

(i) For cases assigned to an individual Judge, the time and date for the hearing shall be scheduled in advance with the staff of the assigned Judge.

(ii) For cases not assigned to an individual Judge, the hearing shall be scheduled by the Chief Civil Department for Seattle case assignment area cases. For Kent case assignment area cases, the hearing shall be scheduled by the Maleng Regional Justice Center Chief Judge. For family law cases involving children the hearing shall be scheduled by the Chief Unified Family Court Judge.

(iii) All motions for revision of a commissioner's order shall be based on the written materials and evidence submitted to the commissioner, including documents and pleadings in the court file. The moving party shall provide the assigned judge a working copy of all materials submitted to the commissioner in support of and in opposition to the motion, as well as a copy of the electronic recording, if the motion before the commissioner was recorded. Oral arguments on motions to revise shall be limited to 10 minutes per side. Working copies shall be submitted pursuant to the requirements of LCR 7(b).

(iv) The commissioner's written order shall remain in effect pending the

hearing on revision unless ordered otherwise by the assigned Judge, or, for unassigned cases, the Chief Judge.

(v) The party seeking revision shall, at least 5 days before the hearing, deliver to the assigned judge or Chief Judge working copies of the motion, notice of hearing, and copies of all documents submitted by all parties to the commissioner, pursuant to LCR 7(b).

(vi) For cases in which a timely motion for reconsideration of the commissioner's order has been filed, the time for filing a motion for revision of the commissioner's order shall commence on the date of the filing of the commissioner's written order of judgment on reconsideration.

(9) Motion for Order to Show Cause. Motions for Order to Show Cause shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. For cases where the return on the order to show cause is before the hearing judge, the moving party shall obtain a date for such hearing from the staff of the assigned judge before presenting the motion to the Ex Parte and Probate Department.

(10) Motion Shortening Time.

(A) The time for notice and hearing of a motion may be shortened only for good cause upon written application to the court in conformance with this rule.

(B) A motion for order shortening time may not be incorporated into any other pleading.

(C) As soon as the moving party is aware that he or she will be seeking an order shortening time, that party must contact the opposing party to give notice in the form most likely to result in actual notice of the pending motion to shorten time. The declaration in support of the motion must indicate what efforts have been made to notify the other side.

(D) Except for emergency situations, the court will not rule on a motion to shorten time until the close of the next business day following filing of the motion (and service of the motion on the opposing party) to permit the opposing party to file a response. If the moving party asserts that exigent circumstances make it impossible to comply with this requirement, the moving party shall contact the bailiff of the judge assigned the case for trial to arrange for a conference call, so that the opposing party may respond orally and the court can make an immediate decision.

(E) Proposed agreed orders to shorten time: if the parties agree to a briefing schedule on motion to be heard on shortened time, the order may be presented by way of a proposed stipulated order, which may be granted, denied or modified at the discretion of the court.

(F) The court may deny or grant the motion and impose such conditions as the court deems reasonable. All other rules pertaining to confirmation, notice and working papers for the hearing on the motion for which time was shortened remain in

effect, except to the extent that they are specifically dispensed with by the court.

(11) Motion for Stay of Proceedings.

(A) Motions for stay of proceedings shall be heard by the individual judge assigned or if not assigned by the Chief Civil Judge, Chief Judge of the Maleng Regional Justice Center or Chief Unified Family Court Judge. The order staying proceedings shall indicate a future date by which the case status will be reviewed.

[Amended effective September 1, 1984; May 1, 1988; September 1, 1992; September 1, 1993; September 1, 1994, March 1, 1996; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2006; September 1, 2007; September 1, 2008; January 1, 2009; June 1, 2009; September 1, 2011; September 1, 2012; September 2, 2013; **September 2, 2014**]

LCR 11. SIGNING OF PLEADINGS

(a) Self-Represented Parties (Pro Se)

(1) Address of Party Appearing Pro Se. A party appearing pro se shall state on ~~each his/her pleading, notice of appearance, and other~~ documents filed by him/her, a mailing address for that party, a street address where service ~~of process and other papers~~ can be made on that party and a telephone number where that party can be contacted during the day unless that information is made confidential by statute.

(2) Clerk's File to Indicate Pro Se Appearance. When a party appears pro se, without filing a pleading or other document, the clerk shall cause the party to insert in the file a document indicating that the party has appeared without attorney.

(3) Notice of Rule Requirements. When a party appears in court without an attorney and without filing a written pleading or other document, pursuant to process served upon him/her, the clerk shall deliver to him/her a printed form containing the substance of subsection (a) of this rule, together with appropriate blanks for the name, address and telephone number the party, and shall request the party to file his/her name, a mailing address, a street address where service of process or other papers may be made, and a telephone number where the party can be contacted during the day. The clerk shall make a minute entry that such printed form has been delivered.

~~**(b) Electronic Signatures.** An electronic document that requires a signature shall conform to the requirements of GR 30(2).~~

[Amended effective September 1, 2001; September 1, 2004; September 1, 2008; **September 2, 2014**]

LCR 16. PRETRIAL DEADLINES AND PROCEDURES

(a) Pretrial Procedures- Civil Cases and Family Law Cases Not Involving Children.

(1) Mandatory Joint Confirmation of Trial Readiness. Parties shall complete a Joint Confirmation of Trial Readiness form, file it with the clerk, and provide a working copy to the assigned judge by the deadline on the case schedule. Failure to complete and file the form by the deadline may result in sanctions, including possible dismissal of this case. The Joint Confirmation of Trial Readiness Report shall include, at minimum:

- (A)** Type of trial and estimated trial length;
- (B)** Trial week attorney conflicts;
- (C)** Interpreter needs;
- (D)** To what extent alternative dispute resolution has been used in the case;
- (E)** Any other factors to assist the court to bring about a just, speedy, and economical resolution of the matter.

(b) Alternative Dispute Resolution (ADR) All cases. See also LCR 4.

(1) Unless excused by (1) an order signed by the judge to whom a case is assigned, or (2) a family law commissioner in the case of a family law matter, or (3) the Order Setting Case Schedule issued does not, itself, provide for a deadline for participating in ADR, the parties in every case governed by an order setting case schedule as set forth by LCR 4(b) shall participate in a settlement conference or other alternative dispute resolution process conducted by a neutral third party no later than 28 days before trial.

(2) Preparation for Conference.

(A) Attendance and Preparation Required. The attorney in charge of each party's case shall personally attend all alternative resolution proceedings and shall come prepared to discuss in detail and in good faith the following:

- (i)** All liability issues.
- (ii)** All items of special damages or property damage.
- (iii)** The degree, nature and duration of any claimed disability.
- (iv)** General damages.
- (v)** Explanation of position on settlement.

(B) Family Law Cases--Requirements. See LFLR 16.

(3) Parties to Be Available.

(A) Presence in Person. The parties shall personally attend all alternative resolution processes, unless excused, in advance, by the person conducting the proceeding.

(B) Representative of Insurer. Parties whose defense is provided by a liability insurance company need not personally attend the settlement conference or other dispute resolution process, but a representative of the insurer of said parties, if such a representative is available in King County, shall attend in person with sufficient

authority to bind the insurer to a settlement. If the representative is not available in King County, the representative shall be available by telephone at the parties' expense.

(4) Failure to Attend. Failure to attend the dispute resolution procedure in accordance with paragraphs (A) and (B) above may result in the imposition of terms and sanctions that the judge may deem appropriate.

(5) Judge Disqualified for Trial. A judge presiding over a settlement conference shall be disqualified from acting as the trial judge in the matter, unless all parties agree in writing that he/she should so act.

[Amended September 1, 1977; September 1, 1981; amended effective January 1, 1990, September 1, 1992; September 1, 1993; September 1, 1994; September 1, 2001; January 2, 2004; September 1, 2004; September 1, 2007; September 1, 2008; June 1, 2009; September 1, 2012; September 2, 2013; **September 2, 2014.**]

LCR 26. DISCOVERY, INCLUDING DISCLOSURE OF POSSIBLE WITNESSES AND PROTECTIVE ORDERS

(a) Reserved.

(b) *Discovery Limits.*

(1) Scope. This rule shall apply to all cases governed by a Case Schedule pursuant to LCR 4.

(2) Interrogatories.

(A) Cases With Court-Approved Pattern Interrogatories. In cases where a party has propounded pattern interrogatories pursuant to LCR 33, a party may serve no more than 15 interrogatories, including all discrete subparts, in addition to the pattern interrogatories.

(B) Cases Without Court-Approved Pattern Interrogatories. In cases where a party has not propounded pattern interrogatories pursuant to LCR 33, a party may serve no more than 40 interrogatories, including all discrete subparts.

(3) Depositions. A party may take no more than 10 depositions, with each deposition limited to one day of seven hours; provided, that each party may conduct one deposition that shall be limited to two days and seven hours per day.

(4) Requests for Admission. A party may serve no more than 25 requests for admission upon any other party in addition to requests for admission propounded to authenticate documents.

(5) Modification.

(A) Stipulation of the parties. These limitations may be increased or decreased by written stipulation of the parties based on the scope of the legal and factual issues presented. Nothing in this rule precludes the parties from engaging in the informal exchange of information in lieu of formal discovery. The parties may establish a written timetable for discovery and develop a discovery plan that will facilitate the

economical and efficient resolution of the case. Such plan need not be submitted to the court for approval.

(B) Court order. If the parties do not agree that discovery in excess of that provided by these rules is necessary, a party may file a motion to submit additional discovery pursuant to LCR 7(b). The proposed order shall include details of what additional discovery is required. A certificate of compliance as required by LCR 37(f) shall be filed with the motion.

(6) Discovery requests in violation of rule.

(A) Unless authorized by order of court or written stipulation, a party may not serve requests for admission or interrogatories or note depositions except as authorized by this rule.

(B) Absent a court order or stipulation altering the scope of discovery, the party served with interrogatories or requests for admission in violation of this rule shall be required to respond only to those requests, in numerical order, that comply with LCR 26(~~db~~). No motion for protective order is required. The party shall indicate in the answer section of the Interrogatories or Requests for Admission that the party is refusing to respond to the remaining questions because they exceed the discovery limits.

(C) Absent a court order or stipulation altering the scope of discovery, a party served with a notice of deposition in violation of this rule shall inform all parties to the case that he or she will not be attending the deposition. This notification shall occur as soon as possible and, absent extraordinary circumstances, shall not be later than 24 hours before the scheduled deposition. Notice shall be in writing and shall be provided in the manner that is most likely to provide actual notice of the objection. Fax or e-mail notification is permitted, provided (1) the parties have previously agreed to receive pleadings in this manner or (2) the objecting party also provides telephonic notification.

(7) Applicability. These discovery limitations do not apply to family law proceedings as defined by LFLR 1, supplemental proceedings undertaken pursuant to LCR 69(b) or other post-judgment proceedings.

(c) Motions to Seal/ Protective Orders. A motion to seal must be made separately and cannot be submitted as part of a protective order. When the court has entered an order permitting a document to be filed under seal, the filing party must comply with the requirements of GR 15.

(d) Reserved.

(e) Discovery Not Limited. This rule does not modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery before the deadlines set by this rule.

(f) Reserved.

(g) Reserved.

(h) Reserved.

(i) Reserved.

(j) Reserved.

(k) *Disclosure of Primary Witnesses. Required Disclosures.*

(1) Disclosure of Primary Witnesses. Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

(2) Disclosure of Additional Witnesses. Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.

(3) Scope of Disclosure. Disclosure of witnesses under this rule shall include the following information:

(A) All Witnesses. Name, address, and phone number.

(B) Lay Witnesses. A brief description of the witness' relevant knowledge.

(C) Experts. A summary of the expert's opinions and the basis therefore and a brief description of the expert's qualifications.

(4) Sanctions. Failure to comply with this rule or the court's Order Setting Case Schedule may result in sanctions, including the exclusion of witnesses. ~~Exclusion of Testimony.~~ Any person not disclosed in compliance with this rule may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

Comment: See LGR 15 and LFLR 11 for procedures relevant to motions to seal.

Official Comment

This rule does not require a party to disclose which persons the party intends to call as witnesses at trial, only those whom the party might call as witnesses. Cf. LCR 4(j) (requiring the parties, not later than 21 days before trial, to exchange lists of witnesses whom each party "expects to call" at trial) and Official Comment to LCR 4 All Witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is when the party calling a witness could not reasonably anticipate needing that witness before trial.

This rule sets a minimum level of disclosure that will be required in all cases, even if one or more parties have not formally requested such disclosure in written discovery. The rule is not intended to serve as a substitute for the discovery procedures that are available under the civil rules to preclude or inhibit the use of those procedures. Indeed, in section (e) the rule specifically provides to the contrary.

The prior version of Section 4 of this rule was, in essence, struck down by the Supreme Court in *Jones v. Seattle*, 179 Wn2d. 322, 314 P.3d 380 (2013). The *Jones* court emphasized that trial courts must follow the three-part test of *Burnet v. Spokane Ambulance*, 131 Wn2d. 484, 933 P.2d 1036 (1997) prior to entering an order excluding a witness.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 2001;

LCR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD

(a) *Notice of Trial--Note of Issue.*

(1) Assignment of case to Judge. The Clerk at filing will issue for all civil cases, except those noted in LCR 4(b), a trial date and a case schedule, and will assign the case to a judge. A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

(b) *Where motions and proceedings to be noted.* See LCR 7(b)(2) with respect to calendar locations and times. All motions and other proceedings in a civil case, shall be brought before the assigned judge, in accordance with LCR 7, or if no assigned judge to the Ex Parte and Probate Department in accordance with LCR 40.1, except as follows:

(1) Motions for default orders and default judgments shall be presented to the Ex Parte and Probate Department, unless any defendant has appeared in the matter, in which case it shall be noted before the assigned judge, or if no judge has been assigned, to the Chief Civil Judge for SEA case designations and the Chief Judge at the Maleng Regional Justice Center for KNT case designations.

(2) Family Law Proceedings. See LFLR 5.

(3) Adoption Proceedings. Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the Clerk.

(4) Small Claims Appeals. The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument. The decision shall be issued to the parties.

(5) Antiharassment, Sexual Assault, Domestic Violence and Vulnerable Adult Petitions. See LCR 40.1

(6) Order Vacating Conviction. These motions shall be noted before the judges to whom post sentencing motions have been assigned. The motion is to be noted pursuant LCR 7. See official comment.

(7) Frivolous Liens. If the motion to discharge a purportedly frivolous lien is a new action and not part of an underlying proceeding, the motion shall be set before the Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area

cases shall be set before the Chief Judge of the Maleng Regional Justice Center. If the motion is part of an underlying proceeding, the matter should be noted before the assigned judge.

(8) Marriage Age Waiver Petitions. See LFLR 19.

(9) Involuntary Treatment Proceedings. The hearings in involuntary treatment proceedings shall be heard on the involuntary treatment act calendar.

(10) Receivership Proceedings. See LCR 40.1(b)(2).

(11) Supplemental Proceedings. Hearings on supplemental proceedings shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. The supplemental proceedings fee must be received before hearings will be set by the clerk.

(12) Work Permits/Variances for Minors. Applications for work permits for minors, sought pursuant to RCW 26.28.060, shall be presented to the e Chief Civil Judge in Seattle for cases with a SEA designation and to the Chief Judge of the Maleng Regional Justice Center for cases with a KNT designation.

(13) Writs.

(a) Extraordinary writs (writs of review, coram nobis mandamus, prohibition and certiorari): See LCR 98.40.

(b) For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. See also LCR 40.1(b)(2)(S).

(14) Adult Structured Settlements. Approvals of structured settlements pursuant to Chapter 19.205 RCW shall be given a case schedule and set before the Chief Civil judge for cases with a SEA designation and to the Chief Judge of the Maleng Regional Justice Center for cases with a KNT assignment.

(15) Quash of Subpoena. Motions to quash subpoena from outside the jurisdiction shall be brought before the Chief Civil Judge or the Chief Maleng Regional Justice Center Judge.

(16) Restoration of Right to Possess Firearm. A petition to restore the right to possess a firearm shall be noted before the King County Superior Court judge to whom post-sentencing motions have been assigned if the conviction resulting in loss of the right occurred in King County Superior Court. If the conviction resulting in loss of the right occurred in a court of limited jurisdiction or the Superior Court of another county, the petitioner must file an original cause of action in King County Superior Court and the motion shall be noted without oral argument before the Chief Criminal Judge or the Chief Maleng Regional Justice Center Judge pursuant to LCR 7. For cases in which the loss of the right resulted from an involuntary commitment, the petitioner must file an

original petition in a separate cause of action and the motion shall be noted without oral argument before the Chief Civil Judge or the Chief Maleng Regional Justice Center Judge pursuant to LCR 7. [For cases in which loss of firearms resulted in a juvenile matter refer to the Juvenile rules.] See official comment.

(c) Trial Dates. In guardianship, TEDRA, probate, receiverships and unlawful detainer matters, the motion shall be made before the Ex Parte Department. In all other cases not assigned to a judge, the motions shall be made to the Chief Civil Judge in Seattle for cases with a SEA designation and to the Chief Judge at the Maleng Regional Justice Center for cases with a KNT designation. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to the setting of a trial date. If the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned judge, or if no assigned judge, to the Seattle Chief Civil Department for cases with a Seattle designation and to the Chief Regional Justice Center Judge in Kent for cases with a Kent assignment, for assignment of a trial date and a case schedule.

(d) Reserved.

(e) Continuances/Change of Trial Date.

(1) Limited Adjustment of Trial Date to Resolve Schedule Conflict. In cases that are governed by a Case Schedule, the trial date may be adjusted, prior to the Final Date to Change Trial, by motion, to a Monday no more than 28 days before or 28 days after the trial date listed in the Case Schedule.

(2) Change of Trial Date. A motion to strike a trial date, or change a trial date more than 28 days before or after the original date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided without oral argument. If a motion to change the trial date is made after the Final Date to Change Trial Date, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

(3) Amended Case Schedule. When a trial date is changed, the judge changing the trial date may amend the case schedule or may direct that the parties confer and propose a new schedule. Unless some other deadline for submitting the proposed case schedule is set by the court, the parties must submit a proposed case schedule for signature by the assigned judge no later than twenty days after the order changing the trial date is signed.

(4) Change of Trial Date on Court's Motion. The Court on its own initiative may, if necessary, change the trial date.

(f) Change of Judge. For affidavits of prejudice see RCW 4.12.050.

Official Comment

Petitions for certificates of rehabilitation is a term sometimes used to describe the Order Vacating Conviction (LCR 40(b)(~~7~~**6**)) and Restoration of Rights (LCR 40(b)(~~17~~**16**)) process, though this is no longer part of Washington state law.

[Amended September 1, 1977; September 1, 1978; September 1, 1980; amended effective January 1, 1983; September 1, 1984; December 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2005; September 1, 2006; September 1, 2008; January 1, 2009; September 1, 2009; September 1, 2010; September 1, 2011; September 1, 2012; **September 2, 2014.**]

LCR 41. DISMISSAL OF ACTIONS

(b) *Involuntary Dismissal.*

(2) Dismissal on Clerk's Motion.

(A) Failure to Appear for Trial. If the court has not been previously notified that the trial is no longer necessary, an order of dismissal will be entered on the date the trial is to be commenced. If the court has been notified that the trial is no longer necessary and the case has not been disposed of within 45 days after the scheduled trial date, the case will be dismissed without prejudice on the clerk's motion without prior notice to the parties, unless the parties have filed a certificate of settlement as provided in LCR 41(e)(3). The clerk will mail all parties or their attorneys of record a copy of the order of dismissal.

(B) Failure to File Final Order on Settlement. If an order disposing of all claims against all parties is not entered within 45 days after a written notice of settlement is filed, and if a certificate of settlement without dismissal is not filed as provided in section (e)(3) below, the clerk shall notify the parties that the case will be dismissed by the court. If a party makes a written application to the court within 14 days of the issuance of the notice showing good cause why the case should not be dismissed, the court may order that the case may be continued for an additional **45 days or for such** period of time **as the court may designate**. If an order **dismissing disposing of** all claims against all parties is not entered during that additional period of time, the clerk shall enter an order of dismissal **without prejudice**.

(C) Failure to File Final Orders after a Certificate of Settlement Without Dismissal is Filed. If an order disposing of all claims against all parties is not entered **by the date the parties agreed to in the certificate of settlement without dismissal, the clerk shall notify the parties that the case will be dismissed without prejudice. If a party**

makes a written application to the court within 21 days of the issuance of the notice showing good cause why the case should not be dismissed, the court may order that the case be continued for an additional period of time. If an order disposing all claims against all parties is not entered during that additional period of time, the clerk shall enter an order of dismissal without prejudice.

(GD) Failure to File Judgment or Appeal Following an Arbitration Award.

At least 45 days after an arbitration award, the Court may, upon notice to parties, enter an order of dismissal without prejudice for failure to file a judgment or appeal following an arbitration award.

(DE) Lack of Action of Record. The Court may enter an order of dismissal without prejudice for failure to take action of record during the past 12 months ~~just past~~. The ~~C~~clerk shall issue notice to the attorneys of record that such case will be dismissed by the ~~C~~court unless within 45 days following such issuance a status report is filed with the ~~C~~court indicating the reason for inactivity and projecting future actions and a case completion date. If such status report is not received or if the status is disapproved by the court, the case shall be dismissed without prejudice.

(EF) Failure to Return from Stay. If after 90 days beyond the review date no renewing stay order has been filed and there are no future hearing dates, the case shall be dismissed without prejudice by the court for want of prosecution upon further notice to the parties.

(G) Failure to complete an Unlawful Detainer. If no action of record is taken for 45 days, and no future hearing date is scheduled, then the case may be administratively closed by the clerk.

(c) Dismissal of Counterclaim, Cross-Claim, or Third Party Claim. No local rule.

(d) Costs of Previously Dismissed Action. No local rule.

(e) Notice of Settlements.

(1) Advising the Court of Settlement. After any settlement that fully resolves all claims against all parties, the parties shall, within five days or before the next scheduled court hearing, whichever is sooner, file and serve a written notice of settlement. If the case is assigned to an individual ~~J~~judge and such written notice cannot be filed with the ~~C~~clerk before the trial date, the assigned ~~J~~judge shall be notified of the settlement by telephone, or orally in open court, to be confirmed by filing and serving the written notice or certificate of settlement within five days.

(2) Notice of Settlement with Prompt Dismissal. If the action is to be dismissed within 45 days, the notice of settlement shall be in substantially the following form:

NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the Court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in LCR 41(e)(3), the case may be dismissed on the Clerk's motion pursuant to LCR 41(b)(2)(B).

Date

Attorney for Defendant

WSBA No.

Date

Attorney for Plaintiff

WSBA No.

(Signatures by attorneys on behalf of all parties.)

(3) Settlement With Delayed Dismissal. If the parties have reached a settlement fully resolving all claims against all parties, but wish to delay dismissal beyond the period set forth in section (e)(2) above, the parties may file a certificate of settlement without dismissal in substantially the following form (or as amended by the Court):

CERTIFICATE OF SETTLEMENT WITHOUT DISMISSAL

I. BASIS

- 1.1 Within 30 days of filing of the Notice of Settlement of All Claims required by King County Local Rule 41(e), the parties to the action may file a Certificate of Settlement Without Dismissal with the Clerk of the Superior Court.

II. CERTIFICATE

- 2.1 The undersigned counsel for all parties certify that all claims have been resolved by the parties. The resolution has been reduced to writing and signed by every party and every attorney. Solely for the purpose of enforcing the settlement agreement, the **C**ourt is asked not to dismiss this action.
- 2.2 The original of the settlement agreement is in the custody
of: _____
at: _____.
- 2.3 No further **C**ourt action shall be permitted except for enforcement of the settlement agreement. The parties contemplate that the final dismissal of this action will be appropriate as
of: _____.
Date: _____

III. SIGNATURES

Attorney for Plaintiff(s)/Petitioner
WSBA No. _____

Attorney for Defendant(s)/Respondent
WSBA No. _____

Attorney of Plaintiff(s)/Petitioner
WSBA No. _____

Attorney for Defendant(s)/Respondent
WSBA No. _____

IV. NOTICE

The filing of this Certificate of Settlement Without Dismissal with the **C**lerk automatically cancels any pending due dates of the Case Schedule for this action, including the scheduled trial date.

On or after the date indicated by the parties as appropriate for final dismissal, if the parties do not dismiss their case, the **C**lerk will notify the parties that the case will be dismissed by the **C**ourt for want of prosecution unless within 14 days after the issuance a party makes a written application to the **C**ourt, showing good cause why the case should not be dismissed.

Official Comment

1. Notice of Settlement. Subsections (b)(2) and (e)(1) are intended to prevent a case from entering a state of suspended animation after the parties reach a settlement. The rule creates a mechanism for a settled case to be formally closed by judgment or dismissal. A case will not be removed from the trial

calendar on the basis of a settlement unless the settlement resolves all claims against all parties.

[Adopted effective September 1, 1993; amended effective September 1, 1994; September 1, 1996; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2006; September 1, 2008; September 1, 2011; **September 2, 2014.**]

LCR 79. BOOKS AND RECORDS KEPT BY CLERK

(d) *Other Books and Records of Clerk.*

(1) Exhibits; Filing and Substitution. All exhibits and other documents received in evidence on the trial of any cause must be filed at that time, but the court may, either then or by leave granted thereafter, upon notice, permit a copy of any such exhibit or other document to be filed or substituted in the files, in lieu of the original.

(A) Exhibit Files. The exhibits in all cases shall be kept by the clerk separate from the files of the case.

(B) Exhibits--Inspection. No exhibits shall be inspected in the clerk's office except in the presence of the clerk or one of his/her deputies.

(C) Original Court Record--Copies. No original court record shall be admitted as an exhibit, but a copy thereof may be so admitted.

(D) Cardboard Exhibits. Pictures and diagrams shall not be permanently affixed to large cardboards used for display. The clerk is permitted to remove pictures and diagrams from the cardboard for storage purposes.

(2) Unsuitable Materials as Exhibits. Whenever there is presented to the clerk for filing in a cause any document or other material that is deemed by the clerk to be improper or inappropriate for filing, the clerk shall affix his/her file mark thereto and may forthwith orally apply to the court for a determination of the propriety of filing the material presented. If the court determines that the document or material should not be made a part of the file, an order shall be entered to that effect and the material shall be retained by the clerk as an exhibit in the cause. The court may order that the unsuitable material be sealed, in which event it shall be available for inspection only by order of the court except to the parties or their attorneys of record.

(3) --Same; Not Evidence Unless Ordered. Exhibits filed pursuant to subsection (2) hereof shall not be evidence in the cause unless by order of the trial judge entered on notice and hearing.

(4) Withdrawal of Files and Exhibits.

(A) Files. The clerk shall permit no original paper documents to be taken from his/her office or from his/her custody, by anyone other than court personnel, unless written authority has first been obtained. All of the clerk's files which are in the hands of an attorney for the purposes of any trial or hearing must be returned by the attorney to

the clerk at the close thereof. The clerk, or a designated_deputy, may in his/her discretion and on application in writing, grant written authority to the applicant to withdraw one or more original paper files from the clerk's custody for a period not exceeding ten days. The court may, upon written application showing cause therefore, authorize the withdrawal of specified clerk's files for a period in excess of ten days. For case files maintained electronically, no person may remove the electronic media on which the record is kept from the custody of the Clerk, but copies of a file or of the documents therein may be obtained from the Clerk as provided by law and rule.

(B) --Same; Statement of Facts. Statements of facts in cases where the original record remains in paper form, after having been settled and signed, shall not be withdrawn from the Clerk's office.

(C) Exhibits; Temporary Withdrawal. Exhibits may be withdrawn temporarily from the custody of the Clerk only by:

- (i) The Judge having the cause under consideration;
- (ii) Official court reporters, without court order, for use in connection with their duties;
- (iii) Attorneys of record, upon court order, after notice to or with the consent of opposing counsel. The Clerk shall take an itemized receipt for all exhibits withdrawn, and upon return of the exhibit or exhibits they shall be checked by the Clerk against the original receipts. The Clerk shall keep all receipts for such exhibits for the period of three years from date.

(D) Failure to Return Files or Exhibits; Sanctions. In the event that an attorney or other person fails to return files or exhibits which were temporarily withdrawn by him/her within the time required, and fails to comply with the Clerk's request for their return, the Clerk may, without notice to the attorney or other person concerned, apply to the Presiding Judge for an order for the immediate return of such files or exhibits. A certified copy of such order, if entered, shall then be served upon the attorney or other person involved.

(E) Exhibits; Permanent Withdrawal. After final judgment, the time for appeal having elapsed, and no appeal having been taken, the Court, on application of any party or other person entitled to the possession of one or more exhibits, and for good cause shown, may in its discretion order the withdrawal of such exhibit or exhibits and delivery thereof to such party or other person.

(i) --Exhibits; Narcotics. See LGR 20.

(F) Return of Exhibits and Unopened Depositions. In any civil cause on a stipulation of the parties that when judgment in the cause shall become final, or shall become final after an appeal, or upon judgment of dismissal or upon filing a satisfaction of judgment, the Clerk may return all exhibits and unopened depositions, or may destroy them. The Court may enter an order accordingly.

(5) Document or File Sealed by Court Order. The Clerk shall not permit the examination of any sealed document or file except by order of the Court entered pursuant to LCR 77(i)(~~44~~10).

(6) Documents Sealed By Court Order. Once the court order has been signed, the filing party shall place the words “Sealed document per (date) court order” in the caption of any document to be sealed. The filing party must then place the sealed document in a manila envelope marked “Sealed document” on the outside before delivering it to the clerk for filing.

(7) Documents Redacted by Court Order. Once the court order has been signed allowing redaction, parties shall file redacted copies of the entire document with the words “Redacted copy pursuant to (date) Order” in the caption.

[Amended effective September 1, 2001; September 1, 2003; September 1, 2004; September 1, 2007; September 1, 2008; ~~September 2, 2014~~]

~~LCR 98.30 MENTAL ILLNESS PROCEEDINGS~~ ~~[Rescinded]~~

~~—(a) **Hearing.** The Court in any case tried to the Court without a jury shall state its findings of fact and enter its decision on the record. Written findings at this stage of the proceedings may be in abbreviated form.~~

~~—(b) **Supplemental Written Findings and Conclusions on Appeal.** The Court shall enter supplemental written findings and conclusions in a case that is appealed to the courts of appeal. The findings and conclusions may be entered after the notice of appeal is filed. The prosecution must submit such findings and conclusions, together with a copy of the taped report of proceedings, to the appropriate Judge or Commissioner, within 21 days after receiving the respondent's notice of appeal.~~

~~—(c) **Commissioner's Decision Not Stayed.** A Commissioner's written order shall remain in effect pending a motion on revision unless ordered otherwise by the reviewing judge.~~

[Effective September 1, 1995; amended effective September 1, 2001; September 1, 2008; ~~Rescinded effective September 2, 2014.~~]

LGR 30. MANDATORY ELECTRONIC FILING

(b) Electronic Filing.

(5) Electronic Filing Is Mandatory. Effective July 1, 2009, unless this rule provides otherwise, attorneys shall electronically file (e-file) all documents with the Clerk using the Clerk's eFiling Application or an electronic service provider that uses the Clerk's eFiling Application. Non-attorneys are not required to e-file documents.

(A) Documents That Shall Not Be E-Filed. Exceptions to mandatory e-filing include the following documents:

- (i) Original wills and codicils, including new probate cases that include original wills or codicils;
- (ii) Certified records of proceedings for purposes of appeal;
- (iii) Documents presented for filing during a court hearing or trial;
- (iv) Documents for filing in an Aggravated Murder case;
- (v) Administrative Law Review (ALR) Petitions;
- (vi) Interpleader or Surplus Funds Petitions;
- (vii) Documents submitted for *in camera* review, including documents submitted pursuant to LGR 15;
- (viii) Affidavits for Writs of Garnishment and Writs of Execution;
- (ix) New cases or fee based documents filed with an Order in Forma Pauperis.

The above-excepted documents must be filed in paper form.

Comment: Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

(B) Documents That May Be E-Filed. The following documents may be e-filed:

- (i) Voluminous Documents—Voluminous documents of 500 pages or more may be e-filed or filed in paper form.
- (ii) Answers to Writs of Garnishment
- (iii) Appeals of lower court decisions
- (iv) Documents from governments or other courts under official seal including adoption documents. If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the instant case, and shall present the original document to the court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

(C) Working Copies for E-Filed Documents. Judges' working copies for e-filed documents may be electronically submitted to the Clerk using the Clerk's eFiling Application and pursuant to LCR 7 unless this rule provides otherwise. The Clerk may

assess a fee for the electronic delivery of working copies. Working copies of documents of 500 pages or more in length shall not be submitted electronically. Working copies shall be delivered pursuant to LCR 7, LFLR 6 or the applicable rule for that case type.

(D) Waiver of the Requirement to E-File. If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words “Exempt from e-filing per waiver filed on (date)” in the caption of all paper documents they file for the duration of the waiver.

(E) Non-Compliance With This Rule. If an attorney files a document in paper form and does not have an approved waiver from e-filing, the Clerk will assess a fee against the attorney pursuant to King County Code ~~4.71.1004A.630.060~~ for each paper document filed.

(d) Authentication of Electronic Documents.

(2) Signatures

(D) Law enforcement officer signatures on documents signed under penalty of perjury.

(ii) The King County Electronic Log of Detective Investigations is designated as a local and secure system for law enforcement to submit electronically signed documents to the King County Prosecuting Attorney for filing in Superior Court.

[Adopted effective June 1, 2009; amended effective September 1, 2010; September 1, 2011; September 1, 2012; January 1, 2014; April 1, 2014; June 27, 2014; September 2, 2014.]

LFLR 5. WHERE TO SCHEDULE MOTIONS IN FAMILY LAW PROCEEDINGS

(a) Location of Courthouse (Case Assignment) and Courtrooms. Except as otherwise ordered or directed, all proceedings filed under a case with a “UFK” or “KNT” designation shall be heard at the Maleng Regional Justice Center, 401 4th Ave. N. in Kent, and all proceedings filed under a “UFS” or “SEA” designation shall be heard at the King County Courthouse, 516 Third Avenue in Seattle. See LCR 82 as to the designation of case assignment areas. ~~The Family Law Motions courtrooms in Kent are located at Room 1-G and in Seattle at Room W-291. Other courtroom numbers may be obtained from the King County Superior Court Clerk or by accessing <http://www.kingcounty.gov/courts/clerk->~~

(b) Where to Schedule Motions; General Rule. Except as otherwise provided in

these rules, contested pre-trial and post-trial motions in family law proceedings, including non-marital relationships involving parenting and/or the distribution of assets/liabilities, shall be heard on the Family Law Motions Calendar. See LFLR 6 for Family Law Motions Calendar Procedures. Agreed orders and orders to show cause shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office.

(c) *Where to Schedule Specific Types of Motions; Exceptions to General Rule [LFLR 5(b)].* The following specific types of Family Law Motions are to be scheduled as follows:

(1) Entry of Agreed and Default Final Decrees Parenting Plans and Custody Orders: Uncontested final Decrees of Marriage Dissolution and Legal Separation as well as all Final Parenting Plans or Residential Schedules and Final Dissolution of Domestic Partnership Orders shall be presented to the Ex Parte and Probate Department by noting the motion on the uncontested dissolution calendar on at least fourteen (14) days notice, provided that, the matter need not be noted for hearing when presented by an attorney of record, who as an officer of the court, has signed and filed a certificate of compliance in the form prescribed by the court. At least one party shall appear to provide oral testimony or formal proof with respect to entry of a final decree of dissolution or legal separation unless a final parenting plan with respect to all dependent children of the relationship has already been entered or there are no dependent children of the relationship and the final proposed orders are presented by an attorney, in which case the final orders may presented through the Clerk's Office pursuant to LCR 40.1 and shall be accompanied by the certificate of compliance as well as a declaration under penalty of perjury signed by one of the parties within the last 30 days stating that the wife is not pregnant and there are no dependent children of the relationship. The declaration shall be in substantially the same form as set forth in Appendix 1 and shall be available online at www.kingcounty.gov/courts/clerk. All final non-parental custody orders entered by agreement or default shall be presented on the uncontested dissolution calendar on at least 14 days notice, whether or not the parties are represented by counsel, provided that they may also be presented at the time of the Mandatory Case Review hearing (as set forth in the Case Schedule).

APPENDIX I- Model Form Declaration in lieu of Formal Proof for Decree of Dissolution, Invalidity or Legal Separation

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

In Re the Marriage of:

NO.

Petitioner,

And

DECLARATION IN LIEU OF FORMAL PROOF

_____,
Respondent.

REQUEST: The ☐ petitioner ☐ respondent requests immediate entry of Findings of Fact, Conclusions of Law and Decree without the necessity of a personal appearance, and states:

RESIDENCE: Either the petitioner or respondent was a resident of the State of Washington or was a member of the Armed Forces and was stationed in the State of Washington when the petition was filed.

90 DAY WAITING PERIOD: If this is a dissolution of marriage, the marriage is now irretrievably broken and more than 90 days have elapsed since the later of

_____,
20____, the date on which the Petition was filed, and _____,
20____, the date:

☐ the respondent signed an acceptance of service.

☐ the summons and petition were personally served upon the respondent.

☐ the summons and petition were mailed pursuant to an order for service by mail.

☐ the summons was first published pursuant to an order for service by publication.

DEFAULT: The respondent is _____ is not _____ in default.

MARRIAGE :The parties were married on _____ 20____, at [city, state]

_____ and separated on _____, 20____.

PREGNANCY: The wife is not now pregnant.

CHILDREN: The following children have been born to or adopted by either party:

Name	Date of Birth	Father of child	Mother of child
------	---------------	-----------------	-----------------

DEPENDENT CHILDREN: [SELECT ONE]:

☐ A final parenting plan has been entered for all dependent children of the marriage.

☐ There are no children under the age of 18 years of age born to or adopted by the wife or who are otherwise dependent upon the wife, or, all such children were born before the marriage and have not been adjudicated or acknowledged to be the husband's child.

PROPERTY: All property and all debts of the parties are fairly and completely divided in

the Decree.

DEFAULT : If entry of the Decree is sought after default of the Respondent, the Decree provides for only that relief requested in the petition.

PERJURY : I declare under penalty of perjury under the laws of the State of Washington that this foregoing is true and correct.

Dated: _____, 20____.

[Signed] _____ at _____, Washington

Presented by: [Signed] _____

Bar Number: _____

Approved, notice of presentation waived:

[Signed] _____

(2) Support Modification Calendar: Pre-trial Motions related to the support modification calendar shall be brought as set forth in LFLR 14.

(3) Motions to be scheduled before judges: Motions scheduled before judges shall be brought using the timelines required by the applicable civil and local rules, including but not limited to CR 12, CR 56, and LCR 7. Unless otherwise required, motions scheduled before judges shall be heard on at least six (6) court days notice and without oral argument unless otherwise directed by the court. The following motions shall be scheduled before the assigned judge, or if there is no assigned judge, by the Chief Civil Judge or in family law cases involving children before the Chief Unified Family Court Judge:

(A) Motions to seal a file or a document within a file, even if agreed;

(B) Motions to change the trial date, or a deadline in the case schedule;

(C) Motions for summary judgment, except for summary judgment motions in paternity actions which shall be heard on the family law motions calendar;

(D) Motions to resolve which court shall exercise jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (Chapter 26.27 RCW);

(E) Motions related to discovery. Motions to obtain discovery, such as to appoint an expert or to require an evaluation of a party, valuation of a business or property, or inspection of property, shall be scheduled on the family law motions calendar. Motions for a protective order, to compel a party to comply with a discovery request, or for sanctions related to discovery shall be scheduled before the assigned judge. See LFLR 14 for child support and spousal maintenance modifications and adjustments.

(F) Motions to Enforce a CR2A Agreement.

(G) Motions for Revision of a Commissioner's Order. See LCR 7(b)(8).

(H) Motions to reinstate a case that has been dismissed. If the trial date has passed, the case no longer has an assigned judge; therefore, motions to reinstate the case or vacate the order of dismissal must be brought before the Chief Civil Judge or in family law cases involving children before the Chief Unified Family Court Judge.

(I) Uncontested final decrees of invalidity. Hearings shall be noted with oral argument before the assigned judge or before the judge or commissioner presently assigned to the status/noncompliance calendar. At least one party shall appear to provide oral testimony with respect to entry of a final decree of invalidity.

(J) Motions for Temporary Orders to Restrain or Authorize Relocation of a Child (Objection to Relocation RCW 26.09.510): Hearings shall be noted with oral argument.

(4) Motions related to Trials and Appeals: Presentation of final orders related to a trial, motions to reconsider or vacate a judgment or decree entered after trial, and motions relating to the appeal of a final order entered after a motion or a trial (including motions to waive fees for the appeal, to stay the underlying order), shall be noted before the trial judge. If a commissioner entered the final order that is appealed, such motions shall be noted before the Chief Civil Judge/RJC Judge or in family law cases involving children before the Chief Unified Family Court Judge. Motions in limine and trial motions shall be brought before the trial judge.

(5) Motions to Vacate Orders.

(A) An agreed order to vacate an order shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office, unless the effect of the order would be to reinstate a case that has been dismissed or where the trial date has passed, in which case the agreed order shall be presented pursuant to LCR 60.

(i) Default Order. The return on the order to show cause to set aside a default order shall be as follows:

(a) Case originally assigned to a judge who has not been assigned (transferred) to a new case designation area or to juvenile court. The order to show cause shall be returned to the judge to whom the case had been originally assigned, regardless of which judicial officer signed the order of default.

(b) Case originally assigned to a judge who has left the court or who has transferred to a court facility other than that reflected in the case designation. The order to show cause shall be returned to the Chief Civil Judge in Seattle or the Regional Justice Center Chief Judge, according to the designation of the case or in family law cases involving children before the Chief Unified Family Court Judge.

(c) Case not assigned to a judge. The order to show cause shall be returned to the department that entered the default order provided the relief requested

does not impact the case schedule, in which case the order to show cause shall be returned to the Chief Civil Judge in Seattle or the Regional Justice Center Chief Judge, according to the designation of the case or in family law cases involving children before the Chief Unified Family Court Judge.

(ii) Order or decree following trial. The return on the order to show cause to set aside an order or decree following trial shall be before the judge who presided over the trial. If that judge has left the court, the return on the order to show cause shall be before the Chief Civil Judge in Seattle or the Regional Justice Center Chief Judge, depending upon the designation of the case or in family law cases involving children before the Chief Unified Family Court Judge.

(iii) Where the relief sought includes the setting of a new trial date, a motion to re-set trial date shall be filed contemporaneously with the motion for relief from the order or decree.

(B) An agreed order to vacate a Clerk's dismissal so that parties may enter final orders shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office.

(C) A motion to vacate an order signed by a judge shall be noted before that judge, unless the original order was entered by agreement or after a default, in which case the motion to vacate shall be noted before the Chief Civil/RJC Judge or in family law cases involving children before the Chief Unified Family Court Judge.

(D) A motion to vacate an order signed by a commissioner shall be noted on the family law motions calendar unless the effect of that motion would be to reinstate a case that has been dismissed. See section (3)(H) above.

(6) Change of Case Assignment Area or Consolidation of Cases: A motion to change the case assignment area or consolidate two or more actions under one case schedule shall be brought before the Chief Civil Judge/RJC Judge or in family law cases involving children before the Chief Unified Family Court Judge provided that family law commissioners may consolidate a domestic violence protection order proceeding under a family law proceeding.

(7) Motions for Reconsideration. See LCR 59.

(8) Motions for Default Orders and Default Judgments.

(A) When notice is not required, motions for default orders and judgments shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. If notice to an opposing party is required (for example, when an appearance but no answer has been filed), motions for default orders and judgments shall be noted on the family law motions calendar in accordance with LFLR 6.

(B) Appearance by Responding Parties without Filing a Response. If a party has appeared in the proceeding, but not filed a Response to the Petition, any other party may move for an Order of Default on the Family Law Motion Calendar, to be

presented without oral argument through the Clerk's office. Upon entry of the Order of Default, the evidence may be reviewed and a default judgment (including an order setting support) may be entered in the Ex Parte and Probate Department.

(9) Orders Shortening Time. Motions for Orders Shortening Time shall be heard in accordance with LCR 7 except that the motion shall be heard by the same judicial officer or calendar that is assigned under these rules to hear the substantive motion.

(10) Writs of Habeas Corpus. Application for Writs of Habeas Corpus Relating to Minor Children shall be presented to and returnable to the judge of the Unified Family Court Department currently assigned to the Status/Noncompliance calendar at the Maleng Regional Justice Center (MRJC) in Kent or, in the event of his or her absence, to the most senior judge assigned to the Unified Family Court Department at the MRJC. Contact the office of Court Operations at the MRJC (206-477-2600) to find out which judge is handling Habeas Corpus matters relating to minor children.

[Adopted effective September 1, 2004; amended affective September 1, 2006; September 1, 2007; September 1, 2008; January 1, 2009; September 1, 2009; September 1, 2010; September 2, 2013; **September 2, 2014.**]

LFLR 6. FAMILY LAW MOTIONS CALENDAR PROCEDURES

(a) Applicability. This rule applies to the family law motions calendar only and does not apply to motions before judges.

(b) Notice and Hearing.

(1) Note for Motion Calendar forms are required and may be obtained from the Clerk's Office or by accessing <http://www.kingcounty.gov/courts/clerk>. Times and days for scheduling specific types of motions may also be obtained by calling 206-296-9300. See also LFLR 2.

(2) The original of the motion together with all supporting documents (including briefs, affidavits and/or declarations pursuant to RCW 9A.72.085) must be filed with the Clerk and copies served on all parties at least fourteen (14) calendar days before the date of the hearing. Response documents including briefs, if any, must be filed with the Clerk and copies served on all parties no later than noon four (4) court days prior to the hearing time; and documents in strict reply thereto shall be similarly filed and served no later than noon two (2) court days prior to the hearing.

(3) An additional working copy of all documents shall be submitted to the Family Law Motions Coordinator no later than noon three (3) court days prior to the hearing, except that documents in strict reply may be submitted by noon two (2) court days prior to the hearing. For any motion which requests the modification, adjustment, clarification, enforcement (including contempt), reconsideration or vacation of an earlier

order, the working copies shall include a copy of the earlier order. Working copies shall be submitted to the Family Law Department pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

(c) Confirmations.

(1) The moving party shall confirm the motion (including motions for presentation of orders), with the Family Law Confirmations Coordinator in person, by telephone or on the King County Superior Court website for Family Law Motions Confirmation Online. Confirmations by phone or in person must be done by either A) three (3) court days prior to the hearing between 2:30 and 4:15 PM or B) two (2) court days before the hearing between 8:30 AM and 12:00 noon. Confirmations via the King County Superior Court website can be done anytime between 12:01 PM three (3) court days prior to the hearing until 12:00 noon two (2) court days before the hearing. The phone number to confirm Seattle case assignment area cases is 206-477-1523. The phone number to confirm Kent case assignment area cases is 206-477-2750. If not timely confirmed, the motion will be stricken and all working papers destroyed.

(2) Motions cannot be confirmed in person, by telephone or via the website unless the moving party's working copies have been received by the Family Law Department.

(d) Agreed Continuances. The parties may agree to continue a hearing only once on the family law motions calendar, and only prior to the end of the confirmation period, as follows:

(1) The parties may continue the motion to any court day that is at least five (5) court days after the scheduled hearing date. The moving party must notify the Family Law Motions Coordinator of the new agreed hearing date by telephone within the confirmation period set forth in LFLR 6(c) above. If agreement to continue the hearing is reached during the confirmation period, the motion must first be confirmed. Continuances cannot be requested through the King County Superior Court website.

(2) The moving party must re-confirm the motion for the new hearing date in accordance with LFLR 6(c) above. Confirmation may be done through the King County Superior Court website.

(3) A request for a continuance after the expiration of the confirmation period set forth in LFLR 6(c) above must be brought before the commissioner at the original confirmed hearing date and time and will ordinarily not be granted.

(e) Limitations on Declarations.

(1) **Application.** This section (e) of this rule does not apply to domestic violence petitions or domestic violence motions.

(2) **Children's statements.** Declarations by minors are disfavored.

(3) **Formats:**

(A) All motions shall follow LCR 7 and LCR 10 to the extent they are not

inconsistent with this rule, and use the forms required by LFLR 3.

(B) All filed documents and copies provided as working copies and served on other parties and attorneys shall be legible. If typed or computer printed, documents shall be in 12 point or larger type, double-spaced between the lines and conform to LCR 10.

(4) Basis. Evidence, including written evidence in affidavits and declarations by the parties and lay witnesses, must comply with the rules of evidence. The rules of evidence provide that they need not be applied in domestic violence and anti-harassment protection order proceedings. See Rules of Evidence (ER) 1101(c) (4).

(5) Page limits.

(A) Generally. Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witnesses in support of motions (except financial declarations), including any reply, shall be limited to a sum total of twenty-five (25) pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of twenty (20) pages.

(B) Exhibits. Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. All other exhibits attached to a declaration or affidavit shall not be counted toward the page limit.

(C) Financial Declarations. Financial Declarations and financial documents, as specified in LFLR 10, do not count toward the page limit.

(D) Expert Reports and Evaluations. Declarations, affidavits, and reports from Court Appointed Special Advocates (CASA), Family Court Services (FCS) and expert witnesses do not count toward the page limit.

(E) Miscellaneous Exceptions. Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the court in lieu of the court file do not count toward the page limit. Deposition excerpts shall not count toward the page limit.

(6) See LCR 7 for format and page limits on motions, opposition papers, briefs and memorandum of authorities.

(f) Time for Argument.

(1) Each side is allowed five (5) minutes for oral argument, including rebuttal, unless otherwise authorized by the court.

(2) By written stipulation of all parties, any motion except a motion for contempt may be set without oral argument.

(A) Motions heard without oral argument shall be set for a specific date and are subject to the same requirements (including confirmation) as other motions.

(B) Each party shall provide working copies including a proposed order(s) and shall timely serve the opposing party. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. Parties submitting

working copies in paper form shall also conspicuously include the words “Without Oral Argument” in the upper right corner of each document and the moving party shall provide stamped envelopes addressed to each party/counsel.

(C) The commissioner may order the parties to appear for argument.

(g) Special Settings.

(1) **Additional time for argument.** A request for a special setting for oral argument that will require more than five minutes per side, or for other special settings shall be made in writing addressed to the Family Law Motions Coordinator.

(A) The request should state the extraordinary features of the case and explain why additional time for oral argument is needed. The request should state the length of time requested, and whether the other parties agree with the request. The written request shall include working copies of the motion and supporting documents, and all responses received.

(B) The written request shall be filed with the Clerk and working copies shall be submitted to the Family Law Coordinator, and served on all other parties at least six (6) court days prior to the scheduled hearing date. Any response to the request shall be similarly filed and delivered to the Coordinator and other parties by noon at least two (2) court days prior to the scheduled hearing date. Replies are not permitted. Working copies shall be submitted to the Family Law Department pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

(C) An order granting the request cannot be entered by stipulation or agreement.

(D) No other motion may be joined with a request for additional time.

(E) If granted, the Court will set the date and time for additional time for argument on the Family Law Motions Calendar.

(2) **Motions to Permit Live Testimony at a Hearing.** Except for domestic violence protection order proceedings, a party seeking to present live testimony at a hearing must file a request in writing in the same manner as a request for additional time for argument (in LFLR 6(g)(**21**) above).

(A) An order Permitting Testimony cannot be entered by stipulation.

(B) If granted, the court will notify the parties of the hearing date and time.

(h) **Order on Hearing.** Unless otherwise ordered by the Court, immediately following each hearing, an order reflecting the ruling of the Court shall be presented for signature.

[Adopted effective September 1, 2004; Amended effective June 24, 2008; June 1, 2009; **September 2, 2014.**]

LFLR 7. UNIFIED FAMILY COURT

(a) Purpose of Unified Family Court. The purpose of the Unified Family Court (UFC) is to promote effective judicial management of cases involving the health and welfare of children, and to facilitate the prompt resolution of these cases.

(b) ~~UFC Case Management is suspended. Manager.~~ ~~The role of the UFC case manager is to provide coordination and monitoring of case progress and compliance with court-ordered services. The UFC case manager may summarize the contents of the various court files for use by the commissioners and judges. All information summaries provided to the court will also be provided to all parties either orally or in writing.~~

~~—(c) Referral to UFC.~~ Referrals for UFC case management may be made by any judicial officer, the parties or attorneys, Court Appointed Special Advocates, Family Court Services, Department of Social and Health Services (DSHS), domestic violence advocates, juvenile probation officers, family law facilitators, or other persons involved with a family. If a case is accepted for UFC case management, all pending juvenile and family law cases concerning the family and the children, except for juvenile offender matters, will be transferred to UFC and managed together as a case group.

~~—(d) UFC Case Area Designations (UFS or UFK).~~ Each case accepted for UFC case management will have its original case area designation (SEA or KNT) changed upon acceptance to UFC; SEA will be changed to UFS and KNT will be changed to UFK. The Order on Acceptance to Unified Family Court will include an order changing the designation for all associated cause numbers to UFS or UFK. All parties shall use the new case area designation (UFS or UFK) on all pleadings or orders filed after the date of acceptance for UFC case management.

~~—(e) Planning Conference.~~ If the UFC case manager believes a planning conference would assist the court in managing the case, a planning conference will be set. At the planning conference, the court will address administrative issues that affect case management, including but not limited to issues such as consolidation of various pending matters, coordination of case schedules, use of alternative dispute resolution; evaluations needed for trial or hearings, compliance with evaluations or services previously ordered, and discovery.

~~—(f) Motions.~~ Motions in a UFC case shall be scheduled and heard in conformance with the Order on Acceptance to Unified Family Court.

~~—(g) Termination of UFC case management.~~ A case will no longer receive court supervision or case management upon the signing of an order terminating UFC case management. The case area designation of UFS or UFK will not be changed upon termination of UFC case management services. Any motions filed after the entry of an order terminating UFC case management shall be scheduled and heard in accordance with these rules in general, including LFLR 5.

[Adopted effective September 1, 2004; amended effective September 2, 2014.]

LFLR 13. PARENTING PLAN AND CHILD CUSTODY PROCEDURES

(a) Information Required. In child custody, visitation, or parenting plan disputes, each party shall submit the following information:

(1) A proposed custodial or visitation plan or parenting plan, except in actions brought under Chapter 26.10 RCW.

(2) If not in the verified petition, a Uniform Child Custody Jurisdiction Enforcement Act Declaration and Declaration Regarding Other Proceedings, which must be timely supplemented throughout the pendency of the proceedings.

(b) Referral for Mediation, Evaluation, and Investigation.

(1) Mandatory Mediation. All parties to parenting plan, custody or visitation disputes shall participate in some form of alternative dispute resolution, such as mediation, unless waived by court order for good cause. See also LFLR 16.

(2) Investigation by Professionals. In all parenting plans, custody and visitation cases not resolved by mediation or other dispute resolution process, the matter may be referred to Family Court Services or other suitable person or agency for investigation upon motion or by stipulation. When so referred, a report shall be provided in writing to the Court and the parties in advance of trial.

(3) Evaluations. The Court may, upon motion, order a mental health evaluation or physical examination when appropriate. The issues of costs shall be addressed in the order.

(4) Child Advocate.

(A) Appointment. Upon motion of the parties or on the Court's own motion, the Court may appoint a child advocate who may be a Guardian ad Litem, A Court Appointed Special Advocate, or an attorney for the child. See also KCLGALR 1-7. The order shall designate the appointee, the duties, and make provision for the payment of fees.

(B) Notice. From the date of the appointment, the child advocate shall receive copies of all documents that are to be served on parties, copies of all discovery, and notice of all hearings, presentations and trials.

(C) Discharge. Unless otherwise set forth in these rules, the child advocate shall be discharged only by order of the Court upon motion or upon completion of the case when final orders are filed with approval of the appointed child advocate.

(5) Costs of Mediation, Evaluation or Investigation. Unless waived pursuant to an in forma pauperis petition, the parties shall pay the costs of a Family Court Services mediation or investigation based upon their incomes on a sliding scale basis. The costs of a private mediator, investigator, evaluator or child advocate shall be apportioned between the parties based on their income and resources or as otherwise

ordered. Except as otherwise agreed, the fees of a child advocate or evaluator shall be set by the Court.

(c) Seminar for Parenting Plans.

(1) Applicability. This rule applies to all cases filed under Chapters 26.09 RCW, ~~26.10 RCW~~, and 26.26 RCW related to custody, visitation, or parenting of minor children, including dissolutions of marriage, legal separations, major modifications, ~~nonparental custody actions~~, and parentage actions in which parentage has been established. This rule does not apply to modification cases based solely upon relocation. In the case of parentage actions initiated by the Prosecuting Attorney's Office, the Seminar for Parenting Plans shall be required only after an order establishing parentage has been entered and a parenting plan is requested.

(2) Parenting Seminars; Mandatory Attendance. In all cases referred to in Section (1) above, both parents and such other parties as the court may direct shall participate in and successfully complete an approved parenting seminar within sixty (60) days after service of a petition on the responding party. Successful completion shall be evidenced by a certificate of attendance filed with the court by the provider agency.

(3) Special Considerations/Waiver.

(A) In no case shall opposing parties be required to attend a seminar together.

(B) Upon showing of domestic violence, abuse, safety concerns, or 26.09.191 allegations, or that a parent's attendance at a seminar is not in the children's best interest, the court shall either:

waive the requirement of completion of the seminar; or
provide an alternative Seminar For Parenting Plans.

(C) The court may waive the seminar requirement for one or both parents in any case for good cause shown.

(4) Failure to Comply. Delay, refusal or default by one parent does not excuse timely compliance by the other parent. Unless attendance at the seminar is waived, a parent who delays beyond the 60 day deadline, or who otherwise fails or refuses to complete the parenting seminar, shall be precluded from presenting any final order affecting the parenting/residential plan or finalizing the parenting plan in this action, until the seminar has been successfully completed. The court may also refuse to allow the non-complying party to seek affirmative relief in this or subsequent proceedings until the seminar is successfully completed. Willful refusal or delay by either parent may constitute contempt of court and result in sanctions imposed by the court, or may result in the imposition of monetary terms, default, and/or striking of pleadings.

(5) Finalizing Parenting Plans. All parties are required to attach to their proposed Final Parenting Plan a true and accurate signed and dated copy of the certificate of completion of the Seminar For Parenting Plans. No final parenting plan

shall be entered without said certificate or a court order waiving attendance.

(6) Fee. Each party attending a seminar shall pay a fee charged by the provider and sanctioned by the court. The court may waive the fee for indigent parties.

(d) *Permanent Parenting Plan, Custody or Visitation Modifications.*

(1) Starting an Action to Modify a Permanent Parenting Plan.

(A) This rule applies to actions to modify final parenting plans, and final custody or visitation orders, except for adjustments related to the relocation of a child. See LFLR 15 for proceedings involving relocation of a child.

(B) The moving party shall attach to the petition a copy of the current parenting plan and all other effective orders affecting parenting, custody, and visitation. Copies of any orders which were entered outside King County shall be certified.

(2) Adequate Cause Hearing.

(A) Adequate Cause Requirement. A threshold determination of adequate cause is required for any modification or adjustment of a final parenting plan, whether major, minor, residential or non-residential in nature. An order of adequate cause may be entered by agreement of the parties, by default, or after an adequate cause hearing. This rule does not limit the Court's authority under Chapter 26.50 RCW.

(B) Timing of Adequate Cause Hearing: The adequate cause hearing may not be heard before the deadline for filing the response to the petition has passed. All requirements of LFLR 6 shall apply to the adequate cause hearing.

(C) Finding of Adequate Cause: If adequate cause is found, the matter shall remain scheduled for trial. A copy of the Adequate Cause Order shall be attached to the Confirmation of Issues.

(3) Entry of Temporary Orders.

(A) Types of Temporary Orders. Once a finding of adequate cause has been found, the court may enter temporary orders, including but not limited to: a temporary parenting plan, a referral for mediation, investigation, or evaluation; appointment of an evaluator, attorney for the child or Guardian ad Litem; or a referral to Unified Family Court.

(B) Combined with Adequate Cause Hearing. A party may, but is not required to, schedule motions for temporary orders for the same time as the adequate cause hearing. Any party seeking the entry of temporary orders at the adequate cause hearing must make that request by motion pursuant to the format and notice requirements of LFLR 6.

(C) Emergency Temporary Orders. For good cause shown, any party may move for emergency temporary orders at any time, including prior to the finding of adequate cause.

[Adopted effective September 1, 2004; amended effective September 2, 2014.]

LFLR 15. RELOCATION OF CHILDREN

(a) Notice Required. Where a parenting plan or custody order has been entered, a parent seeking to relocate a child outside of his or her school district shall provide notice in accordance with RCW 26.09.430-440. A parent objecting to relocation shall file and serve the form Objection to Relocation/Petition for Modification (DRPSCU 07.0700). If the objecting party is seeking to restrain an immediate move, that party shall file and serve a motion in accordance with LFLR 5(c)(3)(J) within fifteen (15) days of the filing of the Objection to Relocation/Petition for Modification.

(b) Presentation of Proposed Parenting Plan. In the absence of an objection, but no earlier than thirty (30) days after the relocating party has served a proposed parenting plan on the person entitled to residential time with the children, any party to the relocation action may present the relocating party's proposed parenting plan to the Ex Parte and Probate Department through the Clerk's office for entry.

(c) Motion for Default. If a response to an objection to relocation is not filed within the deadline for filing, a motion for default may be presented to the Family Law Department motions calendar upon fourteen (14) days notice

(d) Motions for Temporary Orders. Motions for temporary orders shall not be heard until the deadline for filing an objection to relocation has passed, unless exigent circumstances require immediate relief. [See LFLR 5\(c\)\(3\)\(J\).](#)

(e) Concurrent actions. If a petition for dissolution or modification is already pending at the time a notice of intent to relocate is served and if the objecting party serves an Objection to Relocation/Petition for Modification, that action shall be assigned to the same judge assigned to hear the initial action and no new case schedule shall issue. If, after the filing of an Objection to Relocation/Petition for Modification, a party seeks to modify the parenting plan pursuant to RCW 26.09.260, the modification action shall be assigned to the same judge who is assigned the relocation action and a modification case schedule shall be issued which shall govern both actions. A party who seeks to amend the case schedule based on the filing of the second action shall note a motion pursuant to LCR 7(b) with the assigned trial judge.

(f) Mediation/Alternative Dispute Resolution. The parties shall participate in mediation or some other form of alternative dispute resolution before trial unless waived by court order.

[Adopted effective September 1, 2004; amended effective September 1, 2008; January 1, 2009; [September 2, 2014.](#)]

LFLR 20. ORIENTATION PROGRAM IN FAMILY LAW MATTERS

(a) Description and Applicability. To assist self-represented parties involved in family law matters and improve the efficiency of the court, King County Superior Court Family Court shall conduct an Orientation Program for parties in all cases filed under Chapter 26.09 RCW, including dissolutions of marriage, legal separations and major parenting plan modifications. Parties modifying only Child Support shall not be required to attend.

(b) Mandatory Attendance. In all cases referred to in Section (a) above, all self-represented parties shall successfully complete the Orientation Program within thirty (30) days of filing or service of the summons and petition. Successful completion shall be evidenced by a certificate of attendance filed with the court by Family Court Operations staff. Any party attending the Orientation Program prior to obtaining a King County Superior Court cause number shall be responsible for filing his or her certificate of attendance in the court file when the cause number is obtained.

(1) Out of County Resident. A party residing outside of King County shall be excused from attending the Orientation Program if attendance would be a hardship. Such parties are required to review the Orientation Program materials and file a sworn declaration that they have done so.

(2) Represented Parties. Attendance at the Orientation Program shall be excused for a party represented by counsel, provided that if the party becomes self-represented before entry of final orders, such party shall attend the orientation seminar, unless waived for good cause.

(3) Good Cause. The court may excuse a party from attending the Orientation Program or permit a party to review the materials and file a sworn declaration that he or she has done so as an alternative to in-person attendance, for good cause shown.

(4) Service. The petitioner shall serve the Notice of Mandatory Orientation Program on all respondents at the time the Summons and Petition is served. If a joinder to the petition is filed, the petitioner shall provide the Notice of Mandatory Orientation Program to any joining party within seven (7) days of filing of the joinder.

(5) Special Considerations. Opposing parties shall not be required to attend the Orientation Program together.

(6) Renewal. The court may reinstitute the requirement to attend the Orientation Program at any time in cases where attendance was previously excused.

(c) Failure to Comply. Delay, refusal or default by one party does not excuse timely compliance by any other party. The Orientation Registration Form shall be submitted to Family Court Services. *See section (a) above.* Unless attendance at the seminar is excused, any party requesting a hearing, including those parties seeking to enter final orders in the action, and any party responding to a request for hearing, shall

attend the Orientation Program prior to obtaining affirmative relief. Attendance at the Orientation Program shall not be required prior to emergency hearings or the issuance of restraining orders. Willful refusal or delay by any party may constitute contempt of court and result in sanctions imposed by the court, including the imposition of monetary terms, default or striking of pleadings.

(d) Fee. Each party attending the Orientation Program, or who has been approved to review the materials in lieu of attendance, shall pay a fee charged by Family Court Operations and approved by the court. The court shall provide the service at no expense for indigent parties.

[Adopted effective January 1, 2011; amended September 2, 2014.]

LJuCR 7.6 ARRAIGNMENT--JUVENILE OFFENSE PROCEEDINGS

(a) Time and Procedure for Arraignment

(1) A case shall be set for the Arraignment Calendar on the court day after it is filed if the juvenile is in detention on that case, and within two weeks of filing in other cases.

(2) Parties shall be present at Court for the arraignment at a time designated in the summons. Absent permission of the court, upon a finding of good cause, a respondent may not waive arraignment, if he or she has not appeared in court on the scheduled date. A waiver of arraignment shall be signed by the juvenile, or the juvenile's counsel, with the permission of the juvenile, and the prosecuting attorney and shall substitute for an in-court arraignment. The waiver shall be on the form adopted by the court. In lieu of accepting a waiver of arraignment, the court may continue arraignment for the presence of the respondent. Examples of good cause for failure to appear at arraignment include:

(A) the juvenile is in custody in a state or out-of-county detention facility;

(B) the juvenile is in a residential treatment program and it is against treatment recommendations to attend court;

(C) the juvenile resides out of state or more than one hundred miles from Court.

(3) An in-court appearance by the juvenile and counsel is required, unless waived by the Court pursuant to (2)(A)(B)(C) for all cases in which the crime charged is a felony or for a gross misdemeanor or misdemeanor alleged to involve domestic violence (including violation of a domestic violence protection or no contact order), a sex offense, including any offense filed with an allegation of sexual motivation, a

prostitution-related offense or any offense involving allegations of animal cruelty. Even if a case would otherwise qualify for an arraignment waiver, a juvenile who is seeking to waive speedy trial must appear in court for formal arraignment.

(4) Absent court direction to the contrary, the respondent may waive formal arraignment for all cases not specified in (3) of this rule, unless the prosecuting attorney, juvenile probation counselor, parent or other responsible adult requests that the arraignment occur in court.

[Amended September 1, 1981; amended effective September 1, 1983; February 24, 2000; September 1, 2011; **September 2, 2014.**]

NEW King County Local Mental Proceeding Rules

LMPR 1.5 TRIAL SETTINGS OR OTHER ADMINISTRATIVE HEARINGS

(a) Video Conferencing of Administrative Hearings. The Court may conduct hearings to set trial dates on petitions for 90- or 180-day involuntary treatment or other administrative hearings by video conference.

[Adopted effective September 2, 2014]

LMPR 1.6 PRESENCE WAIVERS

(a) Presence Waivers. The respondent may waive his or her presence at any hearing through a written presence waiver or, for good cause, through an oral presence waiver presented by respondent's counsel.

[Adopted effective September 2, 2014]

LMPR 1.7 GUARDIANS AD LITEM

(a) Appointment of a Guardian ad Litem. Upon representation by the respondent's counsel on the record that a Guardian ad Litem is needed in a case, the Court may appoint a Guardian ad Litem on behalf of the respondent without requiring the respondent to appear in court. The request for the appointment of a GAL shall be

on the record with petitioner's counsel present. In the event the petitioner objects to the appointment of a Guardian ad Litem in the respondent's absence or if respondent's counsel requests, the Court may require the respondent to appear to allow the Court to conduct an inquiry with the respondent to determine that a Guardian ad Litem should be appointed.

(b) Discharge of a Guardian ad Litem. Upon representation by the respondent's counsel on the record that the Guardian ad Litem has concluded that his or her services are no longer necessary and that respondent's counsel has been able to communicate with the respondent, the Court may discharge the Guardian ad Litem.

[Adopted effective September 2, 2014]

LMPR 1.8 TAKING TESTIMONY VIA VIDEO OR TELEPHONE

(a) General. The Court may take testimony from any witness, including the respondent, via video, telephone, or other electronic means consistent with CR 43(a). The testimony shall be taken in open court with the respondent present, unless the respondent waives his or her presence.

(b) Standards for Video Proceedings. For any hearing conducted via video, the technology used must permit the presiding judicial officer, counsel, all parties, and the witness to be able to see, hear, and speak when authorized, during the proceedings and allow attorneys to use exhibits or other materials during trial. To the extent there are any statutes, case law, or constitutional standards relating to conducting video proceedings, such standards are incorporated herein by reference.

(c) Video Pilot Projects. The court may implement video pilot projects consistent with KCLCR 0.16.

[Adopted effective September 2, 2014]

LMPR 1.9 PRE-HEARING MOTIONS AND PROCEDURE

(a) Notice and Hearing. The original of any motion together with all supporting documents (including exhibits and briefs) must be filed and copies served on all parties and the Court not later than 10:00 AM on the date the case is first scheduled for a hearing, unless otherwise allowed for good cause shown.

(b) Response. The response may be filed and served in writing or may be made by oral presentation on the record, at the election of the responding party. The responding

party shall notify the Court and all other parties of the request to submit a written response not later than the expiration of the case, if applicable, or 12:00 PM on the date the case is first scheduled for hearing, whichever is earlier. The Court may continue the hearing to permit the responding party to submit written response if the request for a continuance is made prior to expiration and the Court determines that such a continuance is in the interest of the administration of justice, or if such continuance is made by agreement of the parties.

[Adopted effective September 2, 2014]

LMPR 1.10 REVISION OF A COMMISSIONER'S ORDER

(a) Service and Filing of Motion. A motion for revision of a Commissioner's order in a proceeding for involuntary treatment or to revoke a less restrictive treatment order shall be served and filed within 10 calendar days of entry of the written order, as provided in RCW 2.24.050. Revision motions shall be filed with the Clerk and will be assigned to a Judge in Seattle or at the MRJC by Court Operations Civil Section staff in Seattle to be heard in chambers by the assigned Judge. Court Operations shall notify counsel of record of the assigned judge as promptly as possible.

(b) Record of Hearing. The Assigned Judge will review the FTR recording of the hearing.

(c) Responsive Document.

(1) Motion relating to Order for 14-Day Commitment. A written response shall be served and filed within two (2) judicial days of receipt of the motion for revision.

(2) Motion relating to any other order. When the motion involves any other order, such as an order for involuntary treatment for 90 days or for 180 days or the revocation of a less restrictive order, a written response shall be filed not later than three (3) judicial days after receipt of the motion for revision.

(3) Unopposed motions. If the responding party fails to submit a written opposition to the motion, the Assigned Judge may proceed on the assumption that the motion is unopposed.

(d) Decision on the Motion for Revision of Commissioner's Order.

(1) Hearing and Record. The hearing on the motion for revision of the Commissioner's order shall be without oral argument and will be based on the record before the Commissioner.

(2) Ruling on Motion relating to Order for 14-Day Commitment. To the extent practicable, the Assigned Judge shall issue an order on the motion for revision within two (2) judicial days of the deadline for receiving a written response to the motion.

(3) Ruling on Motion relating to any other order. To the extent practicable,

the Assigned Judge shall issue an order on the motion for revision within five (5) judicial days of the deadline for receiving a written response to the motion.

(e) Effect of Commissioner's Order. The Commissioner's written order shall remain in effect pending the Assigned Judge's decision on the motion for revision.

[Adopted effective September 2, 2014]

LMPR 1.11 FINDINGS OF FACT AND CONCLUSIONS OF LAW

(a) Hearing. In any case tried to the Court without a jury, the Court shall state its findings of fact and enter its decision on the record. Written findings at this stage of the proceedings may be in abbreviated form.

(b) Supplemental Written Findings and Conclusions on Appeal. The Court shall enter supplemental written findings and conclusions in a case that is appealed to the courts of appeal. The findings and conclusions may be entered after the notice of appeal is filed. The prosecution must submit such proposed findings and conclusions, together with a copy of the taped report of proceedings, to the appropriate Judge or Commissioner, and opposing counsel of record within 21 days after receiving the respondent's notice of appeal.

[Adopted effective September 2, 2014]